

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 08/01/2005	NUMBER 06.03.105
SUBJECT ELECTRONIC MONITORING OF OFFENDERS		SUPERSEDES PD 06.03.103 (03/25/96); PD 06.03.105 (01/27/98); PD 06.04.131 (06/30/94); PD 06.04.132 (06/30/94)	
		AUTHORITY MCL 771.3; 791.203; 791.236; 791.265a; Administrative Rule 791.4425	
		ACA STANDARDS 2-CO-4G-01; 1-EM-1A-01; 1-EM-1B-13; 1-EM-1C-16; 1-EM-3A-04; 1-EM-3B-04; 1-EM-3C-03; 1-EM-3C-05; 1-EM-4A-01; 1-EM-4A-10	
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POLICY STATEMENT:

Electronic monitoring systems (EMS) enhance the supervision of offenders in the community through remote monitoring of curfew compliance, alcohol use and/or movement within the community. Offenders shall be electronically monitored as set forth in this policy.

RELATED POLICIES:

06.02.105 Offender Reimbursement

POLICY:

GENERAL INFORMATION

- A. EMS is a tool used by the Department to effectively and cost-efficiently increase the supervision of offenders in the community. Differences in EMS technology permit the monitoring of an offender in a way that will most likely impact on his/her criminal behavior; current technology includes radio frequency monitoring, home based alcohol monitoring, community based alcohol monitoring and global positioning system monitoring. Only those systems approved by the Director or designee are to be used to monitor offenders under the Department's jurisdiction. The Deputy Director of Field Operations Administration (FOA) shall ensure standards are issued identifying the offender population targeted for each approved system.
- B. All prisoners in Community Residential Programs (CRP) who reside in a community residential home, as defined in MCL 791.265a, shall be placed on EMS; at a minimum, the system shall monitor when the prisoner leaves and returns to the home placement and any curfew violations. Probationers and parolees shall be placed on EMS only when ordered by the sentencing court or the Parole Board as a special condition of probation or parole.
- C. FOA shall operate at least one EMS Center. The Center shall provide 24-hour, seven-day per week monitoring of all FOA offenders for whom electronic monitoring is required. In conjunction with the Office of Training and Recruitment in the Bureau of Human Resources, Center staff shall provide field staff with necessary training in the installation, use and security of EMS equipment.
- D. All requirements set forth in this policy for electronically monitoring probationers shall be followed unless directed otherwise by the sentencing court.

EMS PLACEMENT REQUIREMENTS

- E. A probationer with a special condition of probation requiring electronic monitoring shall be placed on EMS no later than the first business day following the probationer's availability for supervision or, if the special condition is added during the course of supervision, no later than the first business day after approval of the special condition. The field office supervisor shall determine, subject to the court's

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approval, whether the probationer is to be placed in jail or on bond while awaiting EMS placement.

- F. A parolee with a special condition of parole requiring electronic monitoring shall be placed on EMS no later than the first business day after the parolee's release on parole. If the special condition is added during the course of supervision, the parolee shall be placed on EMS no later than the first business day after the agent serves the parolee with the special condition. The request to the Parole Board to add the special condition shall be processed in accordance with OP FOA 06.04.130G "Order for Parole and Amendment of Orders". The parolee shall be immediately removed from EMS if the Parole Board does not approve the special condition.
- G. A CRP prisoner shall be placed on EMS in a community residential home only with approval of the supervising field agent or field office supervisor, as appropriate. The prisoner's criminal history, overall community adjustment, parole eligibility date and availability of housing in a community corrections center shall be considered in determining whether to approve the placement. If placement is approved, the prisoner shall be placed on EMS immediately upon arrival at the community residential home.
- H. An offender shall be placed on EMS only after all of the following requirements have been met:
 - 1. The home placement investigation has been completed and approved by the appropriate field agent.
 - 2. If telephone service is necessary for electronic monitoring, the availability of telephone service at the offender's residence has been confirmed and determined to be compatible with EMS equipment. If service is not available but can be made available at a reasonable cost, the Department may provide it and obtain reimbursement from the offender as set forth in PD 06.02.105 "Offender Reimbursement".
 - 3. The offender has agreed in writing to comply with all rules and conditions of probation or parole supervision or CRP, as applicable, including those regarding electronic monitoring.
- I. Prior to installation of the EMS equipment, field staff shall enter the offender on the EMS database using the designated computerized data entry program. Immediately after installation, the field agent shall call the EMS Center from the location at which the equipment was installed to ensure the equipment is operational. Placement of the offender on EMS and confirmation that the equipment is operational shall be documented in the appropriate case notes.
- J. The field agent or designee shall promptly notify the EMS Center through the designated computerized data entry program of all changes in the status of an offender on EMS which affects electronic monitoring of the offender. This includes termination from electronic monitoring supervision and changes in the monitoring system used, as well as changes in curfews, telephone numbers, addresses, and employment.

SPECIAL REQUIREMENTS FOR MONITORING OFFENDER'S PRESENCE WITHIN RESIDENCE

- K. An offender who is on EMS to monitor when s/he leaves his/her residence shall be permitted to leave that residence only for the following reasons, as approved by the supervising agent:
 - 1. To seek or work at paid employment and, if employed, to eat meals off-site during hours of employment.
 - 2. To interview or register for, or participate in, an educational, training, or approved treatment program.
 - 3. To obtain necessary medical services.
 - 4. To participate in community service work.

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5. To conduct other personal business as defined by the FOA Deputy Director or designee; however, approval shall not be granted to attend events that are primarily recreational or social in nature. Approval also shall not be granted if the offender is delinquent in his/her monetary and/or community service obligations.

- L. An offender may be authorized to be absent from his/her residence for the above reasons only for the actual time involved in performing authorized activities plus reasonable travel time, as determined by the supervising agent. Specific curfew hours for each offender shall be established in accordance with standards issued by the FOA Deputy Director.

EMS VIOLATIONS

- M. EMS Center staff shall be responsible for documenting all computer notices of EMS violations and equipment malfunctions. Telephone verification calls shall be made to the offender's residence when necessary to verify a violation or resolve a potential system error. As soon as EMS Center staff are able to rule out system error, but no later than one hour after becoming aware of the computer notice, EMS Center staff shall report the computer notice and responses taken in response to the notice to the offender's supervising field agent or designee. If not initially reported in writing, EMS Center staff shall send written confirmation of the contact to the supervising field agent no later than one business day after becoming aware of the computer notice. In all reported cases, EMS Center staff shall provide the supervising agent or designee with documentation of responses taken in response to the computer notice.
- N. Field agents shall promptly investigate all reported computer notices, document their findings and take appropriate action consistent with Department policy.
- O. A prisoner who fails to abide with EMS requirements may be placed in a corrections center or reclassified to a higher security level in a CFA institution. The prisoner also may be charged with misconduct consistent with PD 03.03.105 "Prisoner Discipline". Staff shall address EMS violations for unauthorized absences as set forth in PD 01.05.125 "Escape and Apprehension Reporting/Processing".
- P. Field staff shall follow Probation Violation Response Guidelines (CFJ-266) to determine appropriate action to be taken when a probationer fails to abide with EMS requirements; in the case of a parolee, field staff shall follow Parole Violation Response Guidelines (CFJ-175) to determine appropriate action.

EMS EQUIPMENT ISSUANCE/INVENTORY

- Q. The EMS Center is responsible for the issuance of all EMS equipment to field offices.
- R. Field office supervisors shall ensure that all EMS equipment issued to their office is accounted for. Equipment stored on site shall be secured in an area inaccessible to offenders and other unauthorized persons. Any issued EMS equipment that is determined to be lost, damaged or stolen shall be immediately reported in writing to the EMS Center Supervisor, with copies to the appropriate Area Manager and Regional Administrator. The report shall include the specific equipment and offender (if any) involved and fully describe the circumstances resulting in the loss of or damage to the equipment.
- S. The EMS Center Supervisor shall ensure an inventory is maintained of all non-disposable EMS equipment; the inventory shall include a description of each item, its unit number or identifier, its location assignment, and whether the item is presently in use. The EMS Center Supervisor also shall ensure that a list is generated at least quarterly identifying the specific equipment assigned to each field office. The list shall be sent to the supervisor of each field office identified on the list. Within 30 calendar days after receipt of the list, the field office supervisor shall notify the EMS Center of any discrepancies.

OPERATING PROCEDURES

- T. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement

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requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

AUDIT ELEMENTS

- U. A Primary Audit Elements List has been developed and will be provided to Regional Administrators and the EMS Center Supervisor to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

PLC:OPH:06/03/05